

AMENDED IN ASSEMBLY MAY 2, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1142**

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**Introduced by Assembly Member Salas**

February 23, 2007

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An act to add Section 1418.85 to the Health and Safety Code, relating to health facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1142, as amended, Salas. Skilled nursing facilities: hospice care.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. ~~Under existing law, a violation of any of these provisions is punishable as a misdemeanor.~~

Existing law defines a “skilled nursing facility” as a health facility that provides skilled nursing care and supportive care to patients whose primary need is that of availability of care on an extended basis. Existing law imposes specified requirements upon skilled nursing facilities with regard to, among other things, its patients, staffing ratios, and the medical services provided by those facilities.

~~This bill would permit the administrator of a freestanding skilled nursing facility, upon notification to the administrator that a resident of the facility is dying, or will soon begin the process of dying, to work with the resident and the resident’s interdisciplinary care team to determine if moving the resident to a private room in the facility is appropriate, taking into account specified factors. The bill would require a facility, if the administrator, or his or her designee, determines that moving the resident to a private room is appropriate, and a private room~~

is available at the facility for this purpose, to inform the resident, and the resident's family or the resident's representative regarding the facility's policy concerning charges for care provided in a private room, including specified information about Medi-Cal payment information if the resident is a Medi-Cal recipient.

The bill would require the department, no later than January 1, 2010, to identify innovative facility resident care models for end-of-life and palliative care, as prescribed, and to provide specified information about those care models to each licensed freestanding skilled facility in the state. The bill would also require the department to post related information on those resident care models on the department's Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 1418.85 is added to the Health and Safety~~  
2     ~~Code, to read:~~  
3     ~~1418.85. (a) Upon notification to the administrator of a~~  
4     ~~freestanding skilled nursing facility, as defined in subdivision (e)~~  
5     ~~of Section 1250, that a resident of the facility is, or will soon be,~~  
6     ~~beginning the process of dying, the administrator, or his or her~~  
7     ~~designee, may work with the resident and the resident's~~  
8     ~~interdisciplinary care team to determine if moving the resident to~~  
9     ~~a private room in the facility is appropriate, taking into account~~  
10    ~~the resident's needs, the needs of other residents of the facility,~~  
11    ~~and the availability of a private room. If the administrator, or his~~  
12    ~~or her designee, determines that moving the resident is appropriate,~~  
13    ~~and a room is available at the facility for this purpose, the~~  
14    ~~administrator, or his or her designee shall inform the resident, the~~  
15    ~~resident's family, or the resident's representative regarding the~~  
16    ~~facility's policy concerning charges for care provided in a private~~  
17    ~~room. If the resident is a Medi-Cal recipient, the facility shall~~  
18    ~~inform the resident, the resident's family, or the resident's~~  
19    ~~representative regarding whether the facility has adopted a policy~~  
20    ~~to allow supplemental payments by family members pursuant to~~  
21    ~~Section 14019.7 of the Welfare and Institutions Code.~~  
22    ~~(b) The department~~

1     *SECTION 1. The State Department of Public Health* shall, no  
2 later than January 1, 2010, identify facility resident care models  
3 related to end-of-life and palliative care. The identification of those  
4 care models shall include an application process that encourages  
5 facilities to provide examples of innovative care models and facility  
6 best practices for end-of-life and palliative care. The department  
7 shall review those model care examples and shall select those  
8 models that are appropriate for statewide distribution. The  
9 department shall also provide each licensed freestanding skilled  
10 nursing facility in the state with a description of selected innovative  
11 care models, and shall post related information on the department's  
12 Web site.

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